

Matter 3

Policy MP1

Question 28

Given the reducing level of sales of aggregates in Nottinghamshire, is the use of the 10 years sales average a robust approach to planning for aggregate provision and is any alternative reliable approach available?

Sales data indicates that there is lower level of production but not necessarily that there is a lower demand. This is evidenced by the varying supply picture within Nottinghamshire and how it differs to that of neighbouring Authorities who are experiencing significant increases in sales. The previous draft of the MLP (withdrawn just prior to Examination) was based upon sales pre and post recession to portray a clearer picture of demand over very different economic conditions. This resulted in numerous more allocations being proposed within the withdrawn Plan than that being taken forward in this Plan. The new Plan has been politically driven to reduce the number of sites being taken forward and does not reflect the demand for resource from Nottinghamshire and its importance in the overall supply within the East Midlands.

More allocations provide the certainty to operators to invest in sites. In addition, it increases the flexibility of the Plan to maintaining increases in production if a site does not come forward as anticipated or a site must cease operating or contains less workable reserve than anticipated (Tarmac own evidence submitted to the Plan regarding Sturton and Girton are reflective of this issue). More operations increases the production capacity and sales. The Plan should not focus or specify a definitive/maximum amount of mineral provision. The sales data is an indication of demand and should not be perceived as a maximum requirement. The Plan needs to provide flexibility to support additional sites/resources coming forward during the Plan period to meet demand/operational requirements to serve existing/future markets.

It is our view that the Plan fails to adequately forecast anticipated demand and as a minimum there should be more aspirational/positively prepared targets to support increasing mineral supply. A buffer/percentage over the 'identified 32.30 million tonnes of sand and gravel' is supportive of mineral development coming forward over the Plan period. Allocations should be made to support this increase.

Question 29

Does the Sand and Gravel Delivery Schedule in Appendix 1 of the Plan demonstrate a steady and adequate supply of aggregates over the Plan period?

Notwithstanding comments on the overall provision of aggregate being planned for over the Plan period being insufficient (based upon suppressed sales information), the productive capacity of the sites does not equate to the minimum annual requirement needed to meet current demand. The delivery schedule and the Plan fails therefore to meet the requirements of paragraph 207 (particularly paragraph c).

Policy MP3d

Question 41

Given that the Bestwood 2 North allocation would result in the loss of a Local Wildlife Site, how is this allocation justified in terms of the requirement in paragraph 170 (d) of the Framework?

The eastern extension to Bestwood 2 Quarry was granted planning permission in December 2018. Mineral contained within the northern extension would effectively be needlessly sterilised without access from the approved eastern extension.

Sherwood Sandstone extracted from Bestwood 2 Quarry makes a significant contribution to overall sandstone supply within the County. Sandstone reserves are very unevenly distributed between individual quarries within the County and individual quarries do not generally produce the same products. Some quarries produce mainly asphalt sand, others mortar sand and differences in colour is an important consideration regarding ongoing supply. This need coupled with maintaining production capacity requires consideration in the overall planning balance.

Paragraph 100 of the Committee Report on the eastern extension considers the impact of the development on the LWS and references the proposed northern extension (as at the time of the application it was being pursued as an allocation within the emerging MLP). It states,

‘As part of the Regulation 25 submission the applicant was asked to justify the choice of site in the context of the ecological hierarchy. In response the applicant states that the site selection process investigated options to develop the quarry in a less ecologically important area. It concluded that physical and environmental constraints in the surrounding area meant there were no alternative sites to undertake an extension of the quarry. The constraints include the presence of residential property and roads surrounding the site. The development of the Bestwood II northern proposed allocation would have a similar ecological effect to the current eastern extension. The applicant concludes that the current location is the only feasible option for developing a lateral extension to Bestwood II Quarry at this present time’.

Paragraph 101 goes on to state, ‘given the loss of the LWS is ‘unavoidable’ in the context of the ecological hierarchy it is concluded that the need for the quarry extension outweighs any harm resulting from the loss of part of the LWS subject to the agreed mitigation and compensatory works being undertaken’.

As part of the Regulation 25 submission, revisions were made by the Applicant to the working and restoration scheme (inclusive of the existing quarry) to compensate for ecological impacts. These compensation measures included the placement of soils in the quarry floor and translocation of tree stumps and deadwood to provide new habitat, the creation of 2.55 hectares of heathland within the quarry floor and sides created progressively through the life of the quarry and the planting of new woodland within the quarry floor and sides. In addition, Tarmac sought to offset and mitigate the ecological impact of the development by creating a new heathland habitat within Calverton (Burntstump) Quarry to offset/replace habitat loss resulting from site clearance works. Since these works would be undertaken outside of the planning application site, their implementation was secured by Section 106 legal agreement.

Paragraph 107 stated, 'in terms of effects that may occur to any future designation of a Sherwood Forest Special Protection Area, the existing habitat comprises dense plantation woodland and is not particularly suitable for nightjar and woodlark and therefore direct impacts to these species are not anticipated. The restoration proposals for the site will create areas of heathland and other habitat which is more desirable for these species. Fencing is proposed to reduce the level of noise transmission into the adjacent woodland and reduce impacts to ground nesting birds. Adverse impacts to any future designation of a Sherwood Forest Special Protection Area therefore are not anticipated'.

On balance the proposal was deemed acceptable based upon the habitat to be created, the value of the habitat to be lost and available compensation measures that could be secured coupled with an ongoing need to maintain supply without needlessly sterilising mineral resource.

Paragraph 170(d) of the Framework states that,

'Planning policies and decisions should contribute to and enhance the natural and local environment by...

minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures'

Although the northern extension has not been subject to a Planning Application and full environmental assessment, it is reasonable to assume that as it is proposed for allocation, the MPA are still of the view that it is required for ongoing mineral supply of Sherwood Sandstone. By not allowing an extension, mineral resource would be needlessly sterilised. As part of the eastern extension application consideration was given to reasonable alternatives and it was found that there were only the eastern and northern extensions viable for future extraction. Although this impacts on the LWS, the area is relatively small. In addition, given the value of the habitat likely to be lost by any development, compensation was more suitable for creating and enhancing biodiversity habitat favoured for nightjar and woodlark. It is therefore considered that the objectives of paragraph 170(d) are met, and the allocation is justified.

Policy MP9

Question 43

Should the policy recognise the importance of Creswell Crags and include a specific requirement for impact on the Scheduled Ancient Monument to be assessed?

It is considered that this would be a duplication of policy and a requirement for assessment is covered by Policy DM6. Supporting text to this policy qualifies the significance of Creswell Crags.